

FTA Region IV State Programs Meeting
Charlotte, NC
March 19-20, 2008
Meeting Summary

State DOT:

Steve Kish (GA)
Denese Lavender (NC)
Mike Kozak (NC)
Nellie Patton (TN)
Bennie Nickelson (TN)
Wiley Brooks (AL)
Harriet Martin (TN)
Paula Shaw (TN)

Charles Husband (MS)
Doug Frate (SC)
Johnny Mmanu-ike (SC)
Kayin Jones (SC)
Ed Coven (FL)
Diane Lackey (SC)
Jeanine McCall (SC)
Vickie Bourne (KY)
Kristi Broyles (KY)

Shirley Wilson (MS)

FTA:

Yvette Taylor
Jamie Pfister
Myra Immings
David Schilling
Keith Melton

MARCH 19, 2008

Opening Remarks/FTA Updates

Miriam Perry, Director of Public Transit, North Carolina DOT, opened the meeting and welcome participants to Charlotte for the 2nd State DOT programs meeting with the Region IV State Programs Team. Dr. Yvette Taylor also provided opening remarks and then gave brief overview of organizational changes with the Region IV office. Dr. Taylor announced that the State Programs Team, which was rolled out at the September 2007 meeting as pilot team, will become a permanent team within the fabric of the Region IV organization. The team has participated in several meetings over the past few months, provided training, and expanded the level of customer service to the DOTs through various activities including conference calls and quarterly meetings. Dr. Taylor also noted that while representatives from PR and VI could not join us, we had all 8 Southeastern State DOTs present for the meeting.

Roundtable: What's Working and What's Not

- **Purpose of the session:**
 - Roll-up the ideas, share with HQ
 - Three broad categories for our discussion purposes; discuss pros and cons of the changes; gave brief overview of the new requirements and/or changes with respect to these categories
- **Coordinated Programs**
 - 5311 - statutory coordinated requirement should be extended the program
 - Coordinated planning requirement brought people to the table that normally didn't come
 - So many new partners coming to the table
 - Requirements on the other Federal agencies (human service)
 - Lack of knowledge and understanding at the state level - human service agencies
 - Improve communications with other Federal agencies so flowing down
 - Hesitancy from other human service agencies
 - Medicaid proposed rulemaking

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- Discretion of the State to NOT require transportation as part of the medicaid package
- Issue for KY, TN, SC - in budget crunch, may not mandate transportation
- Florida - outsourced to TD commission, CTC in each county
 - Each County responsible for providing the trips in each country
 - Captivated rate - provide all the trips
- Finding Yvette's contacts/Regional contacts on the CCAM imperative
- Coordinated Planning Process?
 - FL - TD commission in place; not a big change for FL
 - KY - difficult for JARC and NF - reaching out to broader, new stakeholder group
 - GA – relied on the Human Resources division (GADHR); areas under 200K - small urbans - tough to get ppl motivated and interested in the programs and funding due to the requirements
 - SC - lacking projects, process ok
- Projects – Are you seeing coordinated projects/services?
 - Silo effect still exists - projects designed for specific program/target population
 - A few projects that are using the funds from all the programs
- Flexibility / Amount of money
 - As money trickles down, not much money for each program after the money is divided amongst the small urbanized areas within a State
 - Flexibility to move \$ b/w programs would allow the money to still be used and not left on the table
- Oversight component
 - SC has been extremely cautious regarding eligibility of projects during in the implementation stage because the expected oversight
 - Could the programs be administered and rely solely on State-based oversight of the programs and use SMPs to provide oversight if the \$\$ is given in a block grants?
- Coordination
 - Only coordinated funding is FTA funds!
 - Where are the other Federal funds to be coordinated?
- Consolidating programs
 - 5310, 5316, 5317
 - Keeping target populations' needs, but allowing for more flexibility or certifications that target populations' needs are being met
- Match requirements
 - 50/50 difficult (old JARC was all 50/50), so the match is better under SAFETEA-LU since capital is 80/20.
 - However, 50/50 for operating is still difficult for the Rural communities, who don't have the tax base to provide operating match

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- **Nonurbanized Formula Program**
 - Why wasn't this program included with 5310, 5316, and 5317 when it comes to the coordination requirements? Would like to see it included.
 - NTD reporting
 - Delivery date changed multiple times - changed required data which leads to confusion and additional data collection
 - Should the data be Calendar year/Fiscal year?
 - Clear instructions, time period of data needed, due date
 - Program Analyst - in HQ - removed from region, why isn't it managed out of Regional offices? Very difficult to get calls and/or emails returned by the program analysts.
 - How is the Rural data being used? Would like to see reports for State? Other States' data – will it be posted?
 - GA - 103 rural systems; makes it difficult to manage vs. TN - 11 rural systems
 - Timing of data - more current data - more consideration to state fiscal year
 - RTAPS
 - AL – Auburn – only state where RTAP is managed by university; all others the State DOT manages the RTAP program
 - AL – uses RTAP funds for their Bus Rodeo
 - All other states using DOT w/RTAP committee made of transit providers
 - Intercity consultation
 - NC - good for building relationships with the providers
 - MS - limited success - their intercity providers part of the regional planning group, coordinated planning requirements stimulated intercity providers' involvement
- **Statewide & Metropolitan Planning**
 - STIP and Fiscal constraint
 - FL - State's 5 year work program just became their STIP
 - Earmarks in the STIP are a problem!
 - Don't know what's coming and how to work them into the process
 - Air quality must be considered when altering projects/years
 - Air quality - how to manage with the unknown of earmarks?
 - Updates - Quarterly (FL); whenever they are needed (NC)
 - GA - biggest challenge to get the transit projects in the STIP

Forward Thinking Session: Road Ahead for Transit in Each of the States

South Carolina: (presentation available)

- Credits good working relationship with FTA to quarterly meetings, established by previous Program Manager and continued today.
- SCDOT is cabinet agency (as of last year)
 - Governor appoints Secretary of Transportation
 - Mass transit office reports to secretary
 - Every project gets approved by commission
 - Extended family
- Financial and Internal Controls
 - Audited themselves and rural providers (contracted w/Milligan Associates)
 - Developing a toolkit for the subrecipients/rural providers
 - Hope to enhance customer service with the "tool-kit"
- Challenge: 1/4 of 1 cent of gasoline tax - \$6 million approx for transit
 - Increase that to 1/2 cent - could bring in another \$6 million
- Commission and Legislature
 - Commission used to run mass transit
 - Reports to legislature
 - Each commissioner from a congressional district - represents the districts

Georgia: (presentation available)

- Challenges:
 - Hiring and retaining staff; salaries
 - Brain Drain
 - Increased State responsibilities
 - Organizational issues
 - Grant Administration
- 6 ppl out-stationed in the District offices
- New commissioner - Gena Abrahams

Florida:

- DOT is a State agency under the Governor
- New Secretary - Stephanie Koupelouses
- 7 District Offices throughout the State
- Transportation Commission
 - Oversees department
 - Monitors performance - spending, policies, procedures, performance measure
 - Hiring/Selection of Secretary
- Separate Commission for Transportation Disadvantaged (TD)
 - 7 member
 - TD Trust fund – dedicated funding for the TD commission
 - Work with other agencies; lead for the Coordinated Planning effort in the State
- HQ Transit Office: Grants, Operating and Planning section

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- Division offices responsible for soliciting the applications
 - Staff of 10; limitations on the number of staff
 - Reduced staff a few years ago
 - No turnover in 7 years
- State funding: \$200 million a year for transit; \$75 million is for NS program
- Local - county level gas tax for transit

Mississippi:

- Elected Commission (3 member)
 - Responsible for selecting/hiring Executive Director
 - Represents 3 portions of the State
 - Has approval authority on contracts for projects
- 19 5311 providers
- 48 5310 providers
- 2 Intercity bus programs
- 6 regional groups throughout the State
- Transit Office: Staff of 11
- Pending legislation that will give them an arm to the legislature
 - Multimodal bill
 - Will help with match
- Similar problems in DOT as others - and in subrecipient agencies
- Training for their own staff/Cross-training needed
- Medicaid transportation - cut throughout the state
 - Logisticare - Medicaid broker
- Doors opening with many stakeholders and new stakeholders (intercity), dialogue happening via the coordination summits; 2 coordination summits held to date

Tennessee: (handout)

- DOT has been undergoing major restructuring
- Office is now a direct report to Commissioner
- Human Resource Management Plan
- Promote from within the Department first

Kentucky:

- New governor, appoints Director
- Public transit office and then a sep. Medicaid brokerage section (\$55 million program)
- Pending legislation re: vacancies & match \$
- EXCELLENT Partnership and relationship with the Kentucky transit association
- Throughout the State more awareness re: transit is needed
- Long-term goals - hope to improve technology statewide

Alabama:

- Modal Programs office - stepchild of Highway department (similar to other State DOTs)
- Bureau Chief - Bob Jilla

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- Joe Nix, Wiley Brooks and 8 Program Managers in the "Modal Programs" office
- New Staff - with little to no transit experience
- 5310 - 1 year sit-out rule for applicants receiving funding
- CS process underway - 5316, 5317
- NO State funds for transit
 - DSS - pushing a measure in the legislature for transit
 - Legislature works off a 1902 constitution
- Public transit only in 50 counties
 - Goal: Working to bring transit to 5-6 MORE counties
- Special Projects Group/office
 - Manage the 5309 projects/earmarks
 - Frequent consultation with DOT office

North Carolina:

- Major transformation - 10 months into the process
 - Surveyed 14,000 employees; 60% response rate
 - Sr. Leadership needs to better value employees
 - Development of dept mission statement - for all 6 modal units/divisions now
 - Ferry
 - Bike and Pedestrian
 - Transit
 - Highways
 - Establishment of an OIG office
- 29 positions w/in the Transit Division
 - Mike - NS and Facilities
 - Denese - Modal development Specialists
 - Administrative Services - contracting, safety and training, financial
- Board of Transportation - appointed by the Governor
 - 2 members that transit division work w/ transit and environment
 - Very supportive members
- Work closely with the transit association
 - 101 transit agencies are all members
 - Hope to contract administration of RTAP to transit association
- 21st century Transportation Committee
 - Assessing strategies to address the expected \$65 billion gap b/w revenue and needs - next 25 years
- System Safety Plan
 - Any CT must have this plan; addresses employee, vehicle, and lifts
 - Conducting reviews - 64 thus far
- Statewide apprentice program
 - 90% cost of to work as an apprentice at a transit system
 - CATS - large proponent of using this
 - 1 per system
 - Available to recent college graduates
 - Also have an intern program for grad students

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- State operating dollars use for:
 - Operating for large UZAs
 - Operating for Rural systems
 - Match for facilities and rail
- Challenges:
 - Replacing vehicles and facilities with formula money is not sufficient
 - NEED FEDERAL \$\$ - earmarks one of the few solutions
 - \$100 million for bus and bus facilities
 - Regionalization needs
 - Hiring four new ppl; 4 vacancies in the Regional assignments
 - Documentation, consistency, people
 - Policies vs. procedures

Intercity Bus

- States using the money for intercity: NC, FL, GA, KY
 - FL - state matches the money for the providers
 - GA - last update - only 2 providers were present, although all were invited - 3 types of projects were selected - marketing, buy coaches, statewide signage program; 26 intercity bus coaches have been purchased - fully ADA equipped; leased to the 2 intercity bus providers
- States not using the money, but determining if they can certify the needs are being met: TN, SC, MS
 - SC - certified in 2005, so currently trying to determine if the needs are being met through the multimodal plans
 - TN - mapping study, consultant report couldn't definitively say the needs were being met; study needs to be revisited
 - MS - wants to spend the money, knows the needs are not being met; needs intercity providers to come to the table
- Alabama presentation:
 - 2001 - UA did a study - governor could certify off of this study through 2005
 - Study - 8 different tasks they will accomplish; 3 tasks done thus far
 - Kick-off - May 2007
 - Literature search and interviews
 - Trends
 - Evaluation of equipment and facilities
 - Final report
 - April - final report/results - 12 month contract with the University of Alabama

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Coordinated Planning – Part II (presentation available)

Mississippi:

- Pubic Notifications including the following: Amount \$ available, timeframes/dates, program information, criteria - in the application process
- Interagency Committee reviewing application - 8 members
- Very inclusive process; opportunity to ask questions of the applicants after application it reviewed
- Offered 2 application cycles; since additional clarification was needed on the eligibility of projects
- Selecting next Tuesday
- 1 year contracts; 2 years of funding being used for this round
- Expect to submit grant application by May 1 into TEAM
- Recommend hosting an application workshop. MS advertised the workshop with the NOFA to help develop applications

Kentucky (presentation available):

- Able to fund all projects submitted/requested
- Able to quantify significant impacts of JARC on the unemployment rates; reduced the rates

South Carolina (presentation available):

- Used the COGs and findings from recent barrier to transportation study for the coordination planning effort
- Uniform criteria and selection process across the State; for all population areas
- Competitive Selection process:
 - COGs - reviewing and selecting applications, some regional discretion
 - COGs - submitted POPs - currently under review today w/commission
 - State reviewed and weed out ineligible (none were ineligible)
 - Confirm fair and equitable - geographic distribution
 - COGs - w/TMAs - will select projects separately - but still using Statewide process
- Formula based on demographics to COGs for what they were working
- Primarily oversaw planning process in State DOT planning office, then turned over to mass transit office for implementation
- Recommend that it takes at least 2-3 months
 - Ideal: announcement in Sept, with applications due back in Nov
 - Typically grant applications (for State programs) are due from the subs to the State DOTs Jan 31; then the federal application is prepared

Planning for Transit Facilities (presentation available)

- Credit for leasing land - State and local share; when land will be leased to the city/government/transit agency -
 - Value of use of land be used for share?
- Satisfactory Continuing Control
- Useful life for buildings is needed
- Planning process - Small UZAs are the grantees that are most likely to get off-track
 - Recommend that FTA request information on planning process for these projects from the small UZAs before/during grant application process
- Level boarding
 - Any new service will have to comply
 - Separate topic for additional discussion
 - MS and GA have this issue – need follow-up discussion with both States

Timing for Grant Making (presentation available)

- Recommend creating "Swim Lanes" - or matrix for grant making
 - If this, then this
 - Map out on Federal requirements
- Missing a window/cycle - heightening your risk
 - TDOT request for cycle/dates information to better understand the grant making cycles and FTA reviews
- **Civil Rights issue - FHWA Coordination (RA Action)**
 - STATE DOT issue with the EEO and Title VI plans being approved in FHWA
 - Timing of these approvals
 - Approved at FHWA; but FTA not notified
 - Is a conditional approval possible for grants with Title VI and EEO plans pending approval?
 - Approval of a program plan vs. and update to a report --->annual submission

Dates Provided in 3/27 Email from M. Immings.

- October 1: Beginning of federal fiscal year;
- October 1 – November 15: Annual Certifications and Assurances available to PIN in TEAM; carry-over funding available for grant application in TEAM;
- December – February: Annual Appropriations FR published rendering current year (new) funding available for grant application in TEAM;
- June 1 – 15: FTA/DOL MOA prioritization change occurs (Oct 1 – Jun 1 DOL addresses submittals for certification on first come/first served basis);
- Jun 15: "Soft" deadline for submittal of complete applications to TEAM for programs requiring award at FTA HQ or OST level;
- July 15: "Soft" deadline for submittal of complete applications to TEAM for programs awarded at the TRO-04 Regional level;
- August 1: Annual update to Disadvantaged Business Enterprise Program goal due to Regional Civil Rights Officer;

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- September 15 – 20: FTA TBP closes for fiscal reconciliation; grants cannot be entertained for current year funding after this closure;
- September 30: End of federal fiscal year.

Charter (presentation available)

Jamie Pfister provided a brief overview of the Charter final rule and fielded several questions from the group. Participants' were also provided a copy of the Q&A from the Final Rule Federal Register notice. The questions that could not be answered were collected on notecards and are summarized below. These questions were forwarded to Regional counsel and the new Charter Ombudsman on behalf of the State DOTs in Region IV and the responses received are below in red.

Questions:

Equipment - Lift-equipped

1. If a charter operator can provide a service, say shuttle service at a major downtown festival, but does not have lift equipped vehicles, can they get/use public operator equipment OR can the public operator provide all of the shuttle service instead of the charter operator? If the latter, is this provided under an exemption? What is the process for the public operator to provide the service?

A private operator can lease equipment from the public transit agency, but only after exhausting all available private equipment first. A public transit agency cannot provide the service if a private operator expresses interest in the service.

QHSO

2. Can the registering site for QHSO's be expanded to include insurance policy number, effective dates, and coverage type by drop-down list for easy selection? Proof of insurance is critical component of this process. At least the information should be collected; nothing less than declaration or a certification should be accepted to have a credible process.

It is unclear as to why a QHSO should have to demonstrate proof of insurance. If a transit agency receives a request and feels unsure about the QHSO qualifications, then the transit agency should refuse to provide the service. If this is a problem in the future, we may consider an amendment to the rule. Adding such information right now is not an option because it is not required by the rule.

3. To verify vehicle ownership and vehicle registration, license plate nos. could be collected with expiration dates. This would help for verification of ownership - rentals vs. leases and legitimacy of QHSO vs. a broker.

Please see answer above. It is not required by the rule and so we cannot make changes to the website.

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Exceptions

4. The rules concerning the hours of charter service (80 hours) allowable for public official transportation - will this be done on a sliding scale?

No. It is 80 hours for all public transit agencies.

5311 Operators

5. What is FTA's expectation of the State DOTs to monitor reports submitted by the Section 5311 operator? Please confirm that the Section 5311 operator that provides any charter service is responsible for complying directly with FTA through the new website and for meeting the quarterly reporting requirement.
6. Applicability of to 5311 operators for "program purposes". Since 5311 is for "general public", how is "program purpose" defined for the 5311 operators.

Program purposes is defined in 49 CFR section 604.3(o) as " transportation that serves the needs of either human service agencies or targeted populations (elderly, disabled, low income); this does not include exclusive service for other groups formed for purposes unrelated to the special needs of the targeted populations identified herein." The point here is that since 5311 is such a broad program, the charter rule limits its exemption to human service agencies and targeted populations. Remember that service that occurs on an irregular basis is not public transportation because public transportation is "regular and continuous."

7. Can FTA expand upon the definition of purposes? **Please see answer above.**
8. Applicability to the rule and exemption for 5311 operators was still very unclear and needed further explanation. **Please see answer above.**
9. Scenario: A 5311 subrecipient is asked to provide free transit rides aboard its trolleys for Wildflower Days for the City of Pigeon Forge and Sevierville in Tennessee. Request was from the local officials. Is this considered charter service? Pigeon Forge and Sevierville are a 5311 subrecipient of TDOT's. (No fare, asked by local official)

This service is not charter because the service is free. Paragraph 1 of the definition of charter service requires a request by a third party (the City) for the exclusive use of a bus or van (trolleys are considered buses) for a negotiated price. Since the service is free there is no negotiated price. Please note, however, that if the City reimburses the subrecipient, then it would be charter service and the subrecipient needs to inform private providers before providing the service. The 5311 exemption does NOT apply in this case because the subrecipient is not serving targeted populations or human service agencies.

5307 Operators

10. A local transit system (5307) runs a service for all home college football games. They run from a parking lot to the stadium and back on a police closed road (dedicated to the buses on game day). They charge \$3 per round trip and the normal fare is \$1 each way. Is this charter (b/c of the fare charge) or is it exempt under one of the exemptions? What would need to be done for the public operator to continue providing this service.

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This would be charter service because it is service to an event or function that occurs on an irregular basis or for a limited duration and the recipient charges a premium fare. In order to avoid application of the rule, recipient could charge \$1 each way.

Other

11. Quarterly reporting: Does this occur in TEAM or via the Charter website? The latter would make more sense since this is being monitored by HQ, but Regional office would like clarification on the reporting requirement and/or any role we have in helping grantees comply with the Charter Reporting requirement.

Quarterly reporting occurs through TEAM and the public is able to access this portion of TEAM to review the reports. Grantees with access to TEAM would submit their reports directly. Sub-recipients will have to rely on the State to submit their reports into TEAM. (Please note that the burden the States is minimal. Subrecipients are responsible for completing the report, but States will need to submit on their behalf, since they don't have access to TEAM. Also, I sent additional questions regarding this answer to HQ and will follow-up in an email to all. Stay tuned.)

National Transit Database (presentation available)

Jamie Pfister provided a brief overview of the NTD and the Rural Reporting requirement. Questions from the States are listed below. Following the meeting, the questions were discussed with Gary DeLorme, who also agreed to participate in a Region IV conference call with our DOTs.

- Q: Will the due dates for 2007 reporting be the same in 2008; A: the understanding is that the due dates were extended in 2007 because of the rule making. These will not be the same in 2008.
- Q: Will the data fields continue to change or will they remain the same as this greatly impacts their data collection efforts. A: This is partially due to the rule making, but they should be stable now.
- Q: Why doesn't the Region play a more active role in NTD? The Program Analysts are contractors, who are not familiar with the grantees. (This is being discussed with HQ.)
- Overall, there were several complaints about the customer service of the Program Analysts; calls and emails are not returned. (This is being discussed with HQ.)

Grant Management & Oversight (presentations available)

Jamie Pfister gave an overview of the FSR and MPR reporting requirements, and reminded the States to pay particular attention older grants with little to no financial activity. While States are not required to report quarterly, several in Region IV choose to or were asked to as part of a corrective action from an oversight review. However, at a minimum, the States need to report quarterly on the 5309 grants – especially the facility projects.

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David Schilling discussed the State Management Review and expected changes in 2008. In addition, participants who underwent 2007 reviews shared their experiences with those scheduled for 2008. A couple of the States highly recommended conducted “mock” interviews or reviews to ensure that staffs were prepared for the contractor’s questions. KY, TN, NC, and MS are scheduled for reviews in 2008. The contractors won’t be selected until May, so reviews will likely occur in August or September. In addition, Region IV is trying to host a State Management Review Workshop in September, to coincide with our next State DOT meeting.

Notes for Next Meeting

- Explain Acronyms for new staff
- New DOT staff - 1 hour special prior to the meeting, if possible
 - 101 session
- Facilities good, food good, thanks to NCDOT
- Materials:
 - NO RED POWERPOINT
 - MORE VISIBLE handouts
- Excellent: Learning about other State's practices
 - Everyone's struggling with the same kinds of things
- Sharing of documents from each other the State's
 - Links - send to David for posting on Region IV page
 - Peer - 2- peer web
 - Intranet for this group?
- Conference calls - quarterly calls
- Next Meetings:
 - September - in Atlanta
 - SC next host (to be confirmed)
 - FL next host

Action Items

- Credit for leasing land - State and local share; when land will be leased to the city/government/transit agency -
 - Value of use of land being used for share?
- Recommend creating “Swim Lanes” - or matrix for grant making
- TDOT request for cycle/dates information to better understand the grant making cycles and FTA reviews – ***provided by M. Immings via email 3/27; see above.***
- Civil Rights issue - FHWA Coordination (RA Action)
- Charter Questions sent to FTA HQ – ***completed, and answers are above.***
- NTD Follow-up with HQ re: reporting dates, program analyst customer service (RA action)
- Schedule NTD Conference call with Gary DeLorme